IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6202 of 2007()

CRIME NO. 48/2007 OF THIRUPURAM EXCISE RANGE

PETITIONER/ACCUSED (AI)

THRESIA,AGED 43,D/O. CHELLAMMA,
PUTHUVEL PUTHEN VEETTIL,
VANKADAMBA DESOM,POOZHIKUNNU,KULATHOOR VILLAGE
NEYYATTINKARA TALUK.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

THE STATE OF KERALA,REPRESENTED BY THE
DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6202 of 2007

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Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioner, a woman, is the 1st accused. She faces allegations under Section 58(A) of the Kerala Abkari Act. The crux of the allegations is that the petitioner was found to keep in her possession for sale certain ayurvedic preparations in violation of the provisions of the Kerala Abkari Act.

2. The learned counsel for the petitioner submits that the petitioner, the 1st accused, runs a medicine outlet and was carrying on business bona fide. She had purchased the articles for sale from accused Nos. 2 and 3. She has no culpable and contumacious role whatsoever. In these circumstances, anticipatory bail may be granted to the petitioner, it is prayed.

3. The learned Public Prosecutor does not oppose the said application. I am satisfied ,in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioner.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 24.10.2007.

ii) She shall be released on regular bail on condition that she executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 25.10.2007 and 26.10.2007 and thereafter the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(v) If she were arrested prior to 24.10.2007, she shall be released on bail on her executing a bond for Rs.50,000/- (Rupees fifity thousand only) without any sureties, undertaking to appear before the learned Magistrate on 24.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE